



FAIRFAX  
COUNTY

# STAFF REPORT

V I R G I N I A

## PROPOSED ZONING ORDINANCE AMENDMENT

New Vehicle Storage

## PUBLIC HEARING DATES

**Planning Commission**

April 30, 2003 at 8:15 PM

**Board of Supervisors**

June 16, 2003 at 3:30 PM

**PREPARED BY  
ZONING ADMINISTRATION DIVISION  
DEPARTMENT OF PLANNING AND ZONING  
(703) 324-1314**

March 24, 2003

JMC



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.  
For additional information call (703) 324-1334.

## STAFF COMMENT

The proposed amendment is in response to a request from the Board of Supervisors (Board) to allow vehicle sales, rental and ancillary service establishments (dealerships) to store excess new vehicle inventory off-site from the dealership in commercial and industrial districts. The proposed amendment is on the Priority 1 list of the 2002 Zoning Ordinance Amendment Work Program.

Currently, dealerships are permitted by special exception in the C-6, C-7, C-8, and C-9 Commercial Districts and the storage of new vehicle inventory is permitted as part of the dealership. When new vehicle storage is located on a lot other than the dealership lot, it is a storage yard, which is permitted only in the I-5 and I-6 Districts. The Zoning Ordinance defines a storage yard as “[t]he use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.” In the past few years, there have been instances when dealerships, at certain times, have excess new vehicle inventory that they cannot accommodate on-site, and they have leased off-street parking spaces accessory to such uses as office, retail and church uses, to store the new vehicles. Staff of the Zoning Enforcement Branch have responded to various complaints regarding such off-site vehicle storage and have issued Notices of Violation to certain dealerships for operating a storage yard in a zoning district where it is not permitted. All of the violations have been cleared except for one, which has been appealed to the Board of Zoning Appeals (BZA.) The public hearing for that appeal has been deferred indefinitely pending the outcome of this proposed amendment. That appeal involves the use of excess parking spaces in a parking structure associated with an office building in the C-4 District in the Tyson’s Corner area.

It is staff’s understanding from representatives of the vehicle sales industry that there can be storage problems on a dealership lot when the sale of existing new vehicle inventory does not meet projected estimates prior to delivery of additional inventory. In such cases, there is an immediate need for storage space for the additional new vehicle inventory that cannot be accommodated on the dealership lot. While staff appreciates the industry’s difficulties, particularly in these uncertain economic times, staff is also sensitive to the potential impacts of allowing a storage yard type use in commercial and light industrial districts. Although it could be contended that new vehicle storage could be deemed similar to a parking lot, in staff’s judgment the use of surface parking lots for the storage of new vehicles has a totally different character than a parking lot. A parking lot typically serves the comings and goings throughout the day of employees, customers and clients of various developments by providing a place to park. Additionally, interior landscaping is a required component of a parking lot to, among other things, enhance the appearance of the lot. New vehicle storage on the other hand, is a principal use unto itself, wherein vehicles are stored on a site 24 hours a day, 7 days a week, and oftentimes surrounded by chain link fencing for security purposes. This use amounts to a mass of vehicles stored on a lot with no visual relief, with an industrial type character. It is not believed that this type of surface vehicle storage is consistent with the purpose and intent of the commercial office or retail districts and may also be contrary to the office and research and development uses of the lower intensity industrial districts (I-1 through I-4). While staff does not believe that surface vehicle storage is appropriate in these districts,

new vehicle storage may be appropriate in certain of these districts, provided the industrial characteristics and potential visual and other adverse impacts are minimized through the imposition of limitations, which among others, would require the storage use to be located within an existing parking structure and only occupy parking spaces in excess of the minimum number required for the use to which the parking structure is accessory.

Accordingly, staff is recommending a proposed amendment, which will allow new vehicle storage in certain commercial and industrial districts, when the use is located within a parking structure. The proposed amendment establishes a new use and definition of new vehicle storage, which provides for an area where new vehicles offered for sale by a dealership are parked or stored off-site from the dealership. Under the proposed definition, new vehicle storage is limited to new automobiles, motorcycles, sport utility vehicles, pick-up trucks and vans, but not including any vehicle designed primarily for the transportation of ten or more passengers, and not including any vehicles allowed as a heavy equipment and specialized vehicle sale, rental and service establishment, such as construction machinery, buses or motor homes. To ensure that the new vehicle storage area does not become a satellite sales lot or significantly increase the number of trips to the site, the proposed definition also precludes customers or clients from coming to the site and vehicle preparation and vehicle sales from occurring on the site. Additionally, no signs shall be displayed on the new vehicles except invoices required by federal or state law.

The proposed amendment will allow new vehicle storage by right in the C-3, C-4, C-6, C-7, C-8 and C-9 Commercial Districts, the I-3 and I-4 Industrial Districts, and when showed on an approved development plan in the Planned Development Commercial District (PDC), but only in accordance with the following use limitations. The new vehicle storage may only be located within a parking structure that is accessory to another use, and provided that the spaces devoted to the new vehicle storage are in excess of the minimum number of spaces required for the use to which the parking structure is accessory. The applicant/owner must demonstrate through the submittal of a parking tabulation in accordance with Article 17 of the Zoning Ordinance that such excess spaces are available. The layout of the new vehicle storage shall not hinder the internal traffic circulation within the parking structure and no mechanical parking lift devices or fencing shall be used in association with the use. Finally, there shall be no signs identifying the new vehicle storage use or the associated dealership. By requiring that the use be located in a parking structure, with no signage identifying the use and no fencing or parking lifts, the industrial character of the use should be minimized and its visual and adverse impacts on adjacent properties greatly reduced. Additionally, because the use may only occupy excess spaces and not interfere with the traffic flow of the structure, any adverse affects on the functioning of the parking structure should be minimal.

With the proposed limitations, staff believes that new vehicle storage could be appropriate in the above noted districts. Since storage yards are currently permitted by right in the I-5 and I-6 Districts, it is further recommended that the proposed new vehicle storage use also be allowed by right in the I-5 and I-6 Districts, but without the above noted use limitations. In these districts, the use would be subject to the same transitional screening requirements as are applicable to storage yards, which is

transitional screening 3 (50 feet of planting) when abutting or across the street from residential and transitional screening 1 (25 feet of planting) when the use abuts or is across the street from uses such as child care centers, medical care facilities or funeral chapels.

Staff does not believe it is appropriate, however, to allow new vehicle storage even with the use limitations, in the lower commercial office (C-1, C-2) or industrial (I-I, I-1, I-2) districts, since these districts are intended to provide for a transition between higher intensity uses and residential uses. Additionally, staff is not recommending that new vehicle storage be allowed in the C-5 retail commercial district, since this is a neighborhood oriented district intended to be homogeneous with the neighborhood.

Staff contacted several neighboring jurisdictions regarding the issue of new vehicle storage and only the City of Fairfax has any regulations addressing the issue. In response to problems regarding the illegal off-site parking of excess new vehicle inventory, the City of Fairfax adopted a Zoning Ordinance amendment in 1998, to allow the leasing of off-site parking spaces in one of its commercial districts for storing excess new vehicle inventory, subject to the approval of a special use permit. The amendment was intended as a temporary measure and included a number of use limitations, similar to what are proposed herein. The amendment also included a “sunset clause” which was designed to give the dealerships an opportunity to find a more permanent solution for storage of excess vehicles. The sunset clause was initially for a period of three years, but was extended for an additional three years with a new expiration date of October 1, 2004.

Staff believes that with the recommended limitations and in the recommended zoning districts, there are adequate safeguards to ensure the appropriateness of the proposed use, while meeting an expressed need of a segment of the business community. Therefore, staff is recommending adoption of the proposed Zoning Ordinance amendment, as advertised, with an effective date of 12:01 AM on the day following adoption.

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of March 24, 2003, and there may be other proposed amendments that may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.*

**Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by adding a new definition of New Vehicle Storage in its correct alphabetical sequence as follows:**

NEW VEHICLE STORAGE: An area where new vehicles are parked or stored off-site from the associated vehicle sale, rental and ancillary service establishment. New vehicle storage shall be limited to new automobiles; motorcycles; sport utility vehicles; pick-up trucks; and vans, but not including any vehicle designed primarily for the transportation of ten (10) or more passengers. New vehicle storage shall not include specialized vehicles such as trucks other than allowed at a vehicle sale, rental and ancillary service establishment; farm and construction machinery or equipment; buses; motor homes, recreational vehicles, trailers and boats of any size; and mobile homes. Such a use shall only be for the parking or storage of vehicles and there shall be no customers or clients to the site, and no sale of vehicles from the site. In addition, there shall be no vehicle preparation on site and no signs shall be displayed on the new vehicles except invoices required by federal or state law.

For purposes of this Ordinance, new vehicle storage shall not be deemed COMMERCIAL OFF-STREET PARKING or a STORAGE YARD.

**Amend Article 4, Commercial District Regulations, C-3 Office District, C4 High Intensity Office District, C-6 Community Retail Commercial District, C-7 Regional Retail Commercial District, C-8 Highway Commercial District, and C-9 Super-Regional Retail Commercial District, as follows:**

- **Amend Sections 4-302, 4-402, 4-602, 4-702, 4-802 and 4-902, Permitted Uses, by adding a new Par. 10 to Sect. 4-302, a new Par. 11 to Sect. 4-402, a new Par. 19 to Sect. 4-602, a new Par. 24 to Sections 4-702 and 4-802, and a new Par. 17 to Sect. 4-902, to read as follows, and by renumbering the subsequent paragraphs accordingly:**

10, 11, 17    New vehicle storage, limited by the provisions of Sect. 305 [405, 605,  
19, or 24    705, 805 or 905] below.

- **Amend Sections 4-305, 4-405, 4-605, 4-705, 4-805, and 4-905, Use Limitations, by adding a new Par. 7 to Sections 4-305 and 4-405, a new Par. 11 to Sect. 4-605, a new Par. 13 to Sect. 4-705, and a new Par. 14 to Sections 4-805 and 4-905, to read as follows:**

7, 11,        New vehicle storage shall be permitted by right in accordance with  
13, or 14.    the following:

A. When located within a parking structure that is accessory to another use,  
and provided that the spaces devoted to new vehicle storage are in  
excess of the minimum number of off-street parking spaces required in  
accordance with Article 11 for the use to which the structure is  
accessory. The owner shall submit a parking tabulation in accordance  
with Article 17 that demonstrates that such excess parking spaces are  
available for new vehicle storage.

B. The layout of the new vehicle storage shall not hinder the internal vehicle  
circulation within the parking structure, and there shall be no mechanical  
parking lift devices or fencing associated with the new vehicle storage.

C. There shall be no signs identifying the use and/or the associated vehicle,  
sale, rental and ancillary service establishment.

D. Notwithstanding the provisions of Article 13, transitional screening shall  
not be required.

**Amend Article 5, Industrial District Regulations, I-3 Light Intensity Industrial District, I-4 Medium Intensity Industrial District, I-5 General Industrial District, and I-6 Heavy Intensity Industrial District, as follows:**

- **Amend Sections 5-302 and 5-402, Permitted Uses, by adding a new Par. 11 to Sect. 5-302 and a new Par. 15 to Sect. 5-402, to read as follows, and by renumbering the subsequent paragraphs accordingly:**

11 or 15.        New vehicle storage, limited by the provisions of Sect. 305 [or 405]  
below.

- **Amend Sections 5-305 and 5-405, Use Limitations, by adding a new Par. 7 to Sect.**

**5-305 and a new Par. 8 to Sect. 5-405, to read as follows:**

7 or 8. New vehicle storage shall be permitted by right in accordance with the following:

A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.

B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.

C. There shall be no signs identifying the use and/or the associated vehicle, sale, rental and ancillary service establishment.

D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

- **Amend Sections 5-502 and 5-602, Permitted Uses, by adding a new Par. 17 to Sect. 5-502 and a new Par. 19 to Sect. 5-602, to read as follows, and by renumbering the subsequent paragraphs accordingly:**

17 or 19. New vehicle storage.

**Amend Article 6, Planned Development District Regulations, Part 2, PDC Planned Development Commercial District, as follows:**

- **Amend Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 11 to read as follows, and by renumbering the subsequent paragraphs accordingly:**

11. New vehicle storage, limited by the provisions of Sect. 206 below.

- **Amend Sect. 6-206, Use Limitations, by adding a new Par. 14 to read as follows:**

14. New vehicle storage shall be permitted by right in accordance with the following:

- A. When located within a parking structure that is accessory to another use(s), and provided that the spaces devoted to new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use(s) to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.
- B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.
- C. There shall be no signs identifying the use and/or the associated vehicle, sale, rental and ancillary service establishment.
- D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

**Amend Article 7, Overlay and Commercial Revitalization District Regulations, Part 4, Airport Noise Overlay District, Noise Compatibility Table, by adding a new use in its correct alphabetical order, to read as follows:**

Uses	Noise Impact Areas (DNL dBA)		
	75+	70-75	65-70
<u>New vehicle storage</u>	<u>P2</u>	<u>P3</u>	<u>P</u>

**Amend Article 13, Landscaping and Screening, by revising the Transitional Screening and Barrier Matrix, by adding in proper alphabetical sequence the following use to Par. 15 to read as follows:**

15. New vehicle storage